

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

| DO NOT WRITE IN THIS SPACE | |
|----------------------------|------------|
| Case | Date Filed |
| 02-CA-265257 | 8-25-20 |

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

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| a. Name of Employer American Museum of Natural History | | b. Tel. No. |
| | | c. Cell No. |
| d. Address (street, city, state ZIP code) 200 Central Park W. New York, NY 10024 | e. Employer Representative Nilesh Patel, Associate Director Labor & Employee Relations | f. Fax No. |
| | | g. e-Mail npatel@amnh.org |
| | | h. Dispute Location (City and State) New York, NY |
| i. Type of Establishment (factory, nursing home, hotel) Museum | j. Principal Product or Service Museum services | k. Number of workers at dispute location Approx. 1000 |

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5), and of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (*set forth a clear and concise statement of the facts constituting the alleged unfair labor practices*)

Within the past six months, the above-named employer, by its officers, agents, and representatives, has refused to bargain in good faith, engaged in surface bargaining without the intent to come to an agreement, and engaged in direct dealing with bargaining unit members by engaging, for example, in the following:

- 1) Failing or refusing to provide relevant information that is necessary for collective bargaining.
- 2) Expressly conditioning providing relevant and necessary information for bargaining on the Union's agreement to accept the Employer's proposal regarding the use of the ProtectWell mobile application.
- 3) Expressly conditioning bargaining over a mandatory subjects on the Union's agreement to accept the Employer's proposal regarding the use of the ProtectWell mobile application.
- 4) Refusing to bargain about mandatory subjects and refusing to respond to Union proposals, including issues related to wages and compensation, sick leave, work rules, and employee discipline.
- 5) Setting an unreasonably and unnecessarily short timeline for bargaining and communicating the Employer's intent to declare impasse on a date certain.
- 6) Declaring impasse prematurely and in bad faith while numerous issues of bargaining remained unaddressed and unresolved.
- 7) Bypassed the Union to deal directly with bargaining unit members regarding the Employer's bargaining proposals with the intent to undercut the Union's role in collective bargaining.

3. Full name of party filing charge (*if labor organization, give full name, including local name and number*)

District Council 37 and its affiliated Local 1306 and Local 1559, AFSCME, AFL-CIO

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|---|-------------------------------------|
| 4a. Address (street and number, city, state, and ZIP code) 125 Barclay St. New York, NY 10007 | 4b. Tel. No. 212-815-1450 |
| | 4c. Cell No. |
| | 4d. Fax No. |
| | 4e. e-Mail syork@dc37.net |

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (*to be filled in when charge is filed by a labor organization*) **American Federation of State, County, and Municipal Employees, AFL-CIO**

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|--|---------------------------------|
| 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. | Tel. No. 212-815-1450 |
| By: /s/ Seth York Seth York, Esq. Assistant General Counsel | Office, if any, Cell No. |

| | | |
|---|----------------------|------------------------|
| (signature of representative or person making charge) | Print Name and Title | Fax No.none |
| Address: 125 Barclay St. NY, NY 10007 | Date: 8/25/2020 | e-Mail syork@dc.37.net |

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

1-2428204631